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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1188th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 12 February 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Ameline, Ms. Neubauer (Vice-Chairperson) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Third periodic report of Bahrain (continued) (CEDAW/C/BHR/3; CEDAW/C/BHR/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bahrain took places at the Committee table.*

2. **Ms. Nwankwo** welcomed the fact that a husband's consent was no longer required for caesarean sections. She asked what health services were provided to female domestic migrant workers and whether contraceptives were available and affordable to all women, including such workers. She also asked whether abortion was criminalized and, if so, whether there were grounds on which it was permitted.

3. **Ms. Pomeranzi** noted with concern that there was a greater share of women in the public sector than the private sector and there were very few women entrepreneurs. No data had been provided to demonstrate the results of measures to promote economic opportunities for women. She therefore requested information on the activities and results of programmes launched in cooperation with the Ebdaa Bank and the Family Bank, which would illustrate the extent of de facto economic equality between men and women. The data on social security in the report referred to "families" rather than "women" and was not disaggregated by gender, which made it difficult to assess the precise level of social protection for women. Lastly, there were reports that despite the establishment of the Alimony Fund women continued to face considerable arrears.

4. **Ms. Al Zayani** (Bahrain) said that of the female employees dismissed from the public sector following the incidents in 2011, 92 per cent had been reinstated by royal decree on 1 January 2012 at their previous salary level.

5. **Ms. Shehab** (Bahrain) said that labour legislation covered domestic workers and made no distinction between nationals and non-nationals. The Ministry of Labour and the Labour Market Regulatory Authority were responsible for labour inspection and dispute settlement and, in cases that could not be resolved through mediation, the matter was referred to the courts.

6. **Mr. Abdulla** (Bahrain) said that domestic and migrant workers fully enjoyed their rights under the law and efforts had been made to amend legislation to strengthen the protection of those rights.

7. **Ms. Al Bunodha** (Bahrain) said that vocational and technical training was equally available to male and female students. Girls were free to pursue vocational tracks in areas such as electrical engineering that were once the exclusive province of boys. Primary education included a technical stream to raise girls' awareness of the opportunity of pursuing technical training at the post-secondary educational level. Statistics regarding the numbers of boys and girls following vocational training at the secondary level could be found on the website of the Ministry of Education.

8. **Ms. Shehab** (Bahrain) said that the Private Sector Labour Law guaranteed protection to women without discrimination and that Bahrain had acceded to a number of international instruments on employment protection. The Law prohibited women from working in certain fields of work deemed hazardous to their health.

9. **Ms. Isa** (Bahrain) said that all forms of harassment, including sexual harassment, were covered by the Criminal Code. The Private Sector Labour Law provided for the

suspension of a worker suspected of misconduct pending a decision of the public prosecutor's office. Legislation governing public sector employment also protected women from sexual harassment and intimidation.

10. **Ms. Al Ansari** (Bahrain) said that strategies to encourage women's participation in the labour market had been implemented and were yielding results: in 2012 women made up almost 40 per cent of the workforce. Incentives were offered to companies to ensure equal opportunities, provide lifelong learning and career development and maintain women in work by promoting a work/life balance. There were also programmes to help unemployed persons to re-enter the labour market, ensure decent wages in the private sector and facilitate female entrepreneurship, which accounted for 29 per cent of all entrepreneurship.

11. **Ms. Al Bunodha** (Bahrain) said that the Ministry of Education periodically reviewed the school curricula to eliminate gender stereotypes and discrimination against female students. In addition, citizenship education was provided to pupils in primary school, initiatives were carried out to raise awareness among families of stereotypes and diverse institutions contributed to the preparation of school textbooks. Vocational technical education and other tracks at the university level were open to men and women on equal terms.

12. **Ms. Al Jalahma** (Bahrain) said that under current regulations authorization from a woman's husband was not required for caesarean sections, regardless of the woman's nationality. Family planning services were freely available to all women in primary health-care facilities. Non-Bahraini women were required to pay a fee for medical consultations. Abortion medication was unlawful unless taken under medical supervision to save the life of the woman. Abortions required authorization by a panel of licensed physicians.

13. **Ms. Al Zayed** (Bahrain) said that the Criminal Code provided for protection against abortions performed on the woman against her will. The penalties for the offence were increased in the event of death of the foetus.

14. **Ms. Isa** (Bahrain) said that the Alimony Fund had been established to safeguard women whose payment of maintenance was determined by a court to be in arrears. There were also provisions for the payment of arrears before a court decision was taken in emergencies, which was decided on a case-by-case basis. Those arrears were recovered by the Fund from the former husband if a decision in favour of the woman was subsequently made.

15. **Ms. Haidar** said that there was a pressing need for a codified family law given that the laws applicable to family matters were not uniform for the Sunni and Shiite communities. What steps were being taken to address the lack of such legislation? Were there immediate and concrete measures in place to improve access to justice for Shiite women?

16. **Ms. Schulz** asked whether Bahrain planned to make the minimum age for marriage for girls 18 years for both men and women and abolish and reduce early marriage. She said that while many Bahraini women were employed and provided for their families, their enhanced social and economic status was still not translated into equal rights and responsibilities between spouses under the law, which required a wife to care for her husband and live in the place of residence of his choosing. She asked whether reforms introducing equal rights and responsibilities in marriage were planned and whether the Government envisioned abolishing or limiting polygamy. Divorce affected women and men differently, both in terms of the conditions for obtaining one and its consequences. Men could unilaterally divorce their wives without the intervention of a court, while women were sometimes not informed about court decisions and received limited alimony.

Women's child custody rights following a divorce were limited and were forfeited if they remarried.

17. She asked whether the State party intended to abolish the practice of granting women half the amount of inheritance awarded to any male siblings and reduce discrimination against women and girls under the inheritance law. Lastly, she requested a timetable for any changes planned concerning the issues that she had raised.

18. **Ms. Al Jishi** (Bahrain) said that a draft family law for the Shiite community was currently before the Chamber of Deputies. The Supreme Council for Women was making significant efforts to raise awareness of the bill among women and encourage them to call for its adoption. The lack of a family law for the Shiite community was discriminatory and contrary to the country's desire to eliminate discrimination against women.

19. **Ms.** Mariam **Al Khalifa** (Bahrain) said that Bahrain maintained its reservation to article 16 of the Convention in order to avoid contradictions; if the reservation were withdrawn, the country would face pressure to adopt a new family law that did not comply with sharia law which it could not do. While Bahrain was working to ensure equal rights for men and women in society, under the sharia, their rights and responsibilities within a marriage were not equal, but complementary.

20. Women were economically empowered and no longer relied on dowries and alimony. Moreover, women in financial difficulty could turn to various institutions for help. Polygamy was uncommon in Bahrain; statistics showed that the overwhelming majority of men had one wife. Nevertheless, it was not possible to prohibit polygamy by law because the practice was expressly authorized under the sharia.

21. Although legislation provided that only men could request a divorce, in practice both spouses were involved in the decision. Legislation surrounding custody was guided by the Sunni doctrine, which granted custody to the mother. If the mother remarried, custody was granted to either the maternal or paternal grandmother.

22. Inheritance legislation complied with sharia law and men and women's rights differed only with respect to male siblings; brothers received twice the inheritance granted to their sisters because only men were liable for alimony payments.

23. **Ms. Al Zayed** (Bahrain) said that it fell to the courts to decide whether a wife had been disobedient, for example if she had violated her marriage contract, and the ruling could be appealed. The education of children was the joint responsibility of the spouses and women were able to choose their residence if such a right had been stipulated in the marriage contract.

24. **Ms. Haidar** asked what the Government's role was in developing the family law for the Shiite community. She said that she had not suggested that the State party should withdraw its reservation to article 16; rather that sharia could be interpreted in such a way that progress could be made regarding family law. Bahrain had been, and continued to be, a pioneering Islamic country in terms of gender equality.

25. **Ms. Jahan** said that although religion was often used to justify reluctance to change, some Islamic countries, such as Bangladesh, had been able to uphold sharia law while making incremental reforms concerning gender equality. She encouraged the State party to reconsider its reservation to article 16 in light of the situation in other Islamic countries. Muslim women were often seen to reject progress, an accusation that was unjustified given the rights and respect afforded to women by Islam. She asked what measures Bahrain had adopted to eradicate polygamy, in line with the general recommendation No. 21 on equality in marriage and family relations and the concluding observations of the Committee following consideration of the State party's previous report.

26. **Ms. Schulz** said that in some Muslim countries the law had been amended in order to promote greater equality of rights and duties between spouses. The fact that the frequency of marriages involving girls under the age of 16 was declining and that divorce proceedings were increasingly attended by both spouses was indicative of the pace of change in Bahraini society. Such change could, perhaps, be codified in law.

27. **Ms. Patten** said that 328 women had reportedly been detained in the State party since 2011. In January 2013, five women, one of them 17 years of age, had been sentenced to six months in prison on charges of unlawful assembly. Six women, including the daughter of a human rights defender, were currently serving prison terms in the State party. The General Federation of Bahrain Trade Unions had provided the names of 57 women who, in spite of recommendations by the Bahrain Independent Commission of Inquiry, had not been reinstated to their public and private sector jobs after dismissal in the wake of the events of February and March 2011. They included leaders of the Bahrain Nursing Association and Bahrain Teachers Association. She would appreciate information regarding those cases. Welcoming legislation on domestic workers, she reiterated her question regarding the extent to which the law was being implemented.

28. **Ms. Nwankwo** asked whether abortion was available to the victims of incest and rape.

29. **Ms.** Mariam **Al Khalifa** (Bahrain) said that the Government was working with civil society on family legislation that covered all confessional groups, which would contribute to social stability. A bill was before the parliament and the Supreme Council for Women was striving to raise awareness of its potential benefits.

30. **Mr. Humood** (Bahrain) said that no women human rights defenders were serving prison terms in Bahrain. The daughter of the human rights activist referred to by Ms. Patten had been arrested and convicted for insulting law officers and blocking traffic. Currently, 110 women were serving prison sentences in the State party for theft, drug-taking and other offences, and 74 women were in pretrial detention on similar charges.

31. **Ms. Al Zayani** (Bahrain) reiterated that most public servants dismissed from their posts had been reinstated in 2012. She could provide the Committee with statistics illustrating the current situation.

32. **Mr.** Abdulla **Abdulla** (Bahrain) said that 18 articles of current labour law referred to domestic workers. Nevertheless, the Government intended to pass further legislation in order to bolster their rights. There was no discrimination in Bahrain against foreign employees: national and non-national workers had the same labour rights and obligations.

33. **Ms. Al Zayed** (Bahrain) said that the right of rape victims to abortions was protected under articles 321 and 322 of the Criminal Code. It was considered an aggravating circumstance in rape cases when the rapist was a member of the victim's family and when the victim lost her virginity as a result of the crime. Incest was not specified as a ground for abortion under the law.

34. **Ms.** Mariam **Al Khalifa** (Bahrain) said that, under article 128 of Act No. 19 of 2009, on the family, the mother retained custody of her sons until they reached the age of 15, at which point they could elect to live with either parent. The mother retained custody of her daughters until they married. The Supreme Council for Women rejected the practice of polygamy, which was not encouraged by any institutions in the country. It was hoped that religious scholars would provide jurisprudence making it possible to amend the law in that regard.

35. **Ms. Šimonović**, noting that a planned visit to the State party by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had been postponed, asked what was currently being done to organize such a visit.

36. **Ms. Schulz** said that inheritance legislation should be amended to reflect the fact that many women in Bahrain were professionally active. She asked whether the delegation could provide statistics on compliance by men with their obligation to pay alimony.

37. **Mr.** Abdulla **Abdulla** (Bahrain) said that discussions with the Special Rapporteur on torture were continuing. A team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) would be visiting Bahrain shortly, demonstrating the desire of the State party to cooperate with OHCHR and avail itself of its capacity-building support and technical assistance.

38. **Ms. Al Zayed** (Bahrain) said that freedom of association was guaranteed under the Constitution and relevant legislation. It was illegal to terminate a person's employment because of trade union membership. The Government encouraged and promoted the establishment of trade unions.

39. **Ms. Abul** (Bahrain) said that the Supreme Judicial Council oversaw the enforcement of court rulings regarding alimony and custody. Payments were made through the Alimony Fund, which had been established for that purpose. The Fund operated under the aegis of the Supreme Judicial Council and was also authorized to pay recipients in cases where the former husband was unable to honour or failed to meet his obligations.

40. **Ms. Isa** (Bahrain) said that sentences regarding alimony were usually handed down by sharia or commercial courts and then applied by enforcement courts.

41. **Ms.** Mariam **Al Khalifa** (Bahrain) said that the State party viewed favourably several recommendations made by the Committee, such as granting Bahraini women the right to pass on their nationality to their children, regardless of the father's nationality, and withdrawing certain reservations to the Convention. The Supreme Council of Women was determined to implement the National Strategy for the Advancement of Bahraini Women and to have women's needs mainstreamed into public policy.

The discussion covered in the summary record ended at 4.50 p.m.